



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

December 7, 2015

Charles Arasim
2892 Aspen Leaf Court
Rio Rancho, NM 87124

RE: Inspection of Public Records Complaint – City of Albuquerque

Dear Mr. Arasim:

We have completed the review of your complaint dated April 23, 2015 against the City of Albuquerque (“City”) under the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2013). In your complaint, you allege that the City of Albuquerque’s Police Department (“APD”) and Clerk’s Office have violated the IPRA by failing to provide documents you requested pertaining to “private cell phone records of an officer discussing you while on duty [,] ... hearing officers contract documents” and by providing “‘verified’ false dates for the upcoming grievance hearing called for by fired [APD] officer Jeremy Dear.”

We received the City’s response, copy attached, wherein Mr. Locher, Managing Assistant City Attorney, answered all your allegations and attached copies of the documents he provided you. After reviewing the City’s response and the IPRA, we believe that the City adequately addressed your allegations. We also conclude that the City ultimately complied with the IPRA in responding to your requests.

Accordingly, this Office considers this matter closed.

Thank you.

A handwritten signature in black ink, appearing to read "M. Valicenti".

Mona Valicenti

Encl. w/o attachment

cc. Eric J. Locher, Esq., no encl.



Russell, Richard <rrussell@nmag.gov>

FW: ABQ violations of the Inspection of Public Records Act.

1 message

Laverne Roller <lroller@nmag.gov>
To: Richard Russell <rrussell@nmag.gov>

Tue, Apr 28, 2015 at 4:47 PM

Hi, another from Mr. Arasim. Thanks.

From: Charles Arasim
Sent: Thursday, April 23, 2015 8:20 AM
To: lroller@nmag.gov
Subject: ABQ violations of the Inspection of Public Records Act.

La Verne,

I have issues going on with both the Albuquerque Police Department's (APD) records office and the City Clerk's (CC) office.

1. APD records is denying me the private cell phone records of an officer discussing me while on duty. I have filed a tort claim with the city and the city's risk management department is investigating.

The officer's name is Chad Solis and the incident happened in early December last year.

I also have a pending complaint with the ABQ Civilian Police Oversight Agency concerning this incident as the officer admitted driving his marked vehicle without a license plate. My video: https://www.youtube.com/watch?v=x3_2A2OAnHU

The officer's (self edited lapel cam video): <https://www.youtube.com/watch?v=yFrrSEwBkcc>

2. The CC has given me 'verified' false dates for the upcoming grievance hearing called for by fired APD officer Jeremy Dear. There is an email paper trail on this, that began on April 16th, between myself (crarasim@gmail.com) and the CC's IPRA Clerk, Kathleen Oney, (koney@cabq.gov) and the notice of hearing sent out by the CC's Hearing Administrative Clerk to Mr. Dear's attorney.

3 The CC's IPRA Clerk, Kathleen Oney, is admitting withholding, from me, hearing officer contract documents, playing word games, on the same (see #2 above) IPRA request that took a turn for this information on April 18th after I learned the same 4 hearing officers are scheduled to hear hearings after the date of their existing - questionably extended - contracts have expired and any new contracts have yet to be positively voted on by the council as a whole in a public meeting or signed off by the City Council President/City Clerk and entered into the record

Additionally I have informed members of the City Council, Rey Garduno, Ken Sanchez and Klarissa Pena, of these contract issues and it is my understanding they are investigating. I await their contacting me to discuss this further.

City Council members can be contacted via Ms. Michelle Montoya at 505-768-3100 (mmmontoya@cabq.gov). The City Council's office Director, Mr. Jon Zaman, can be contacted at 505-768-3100 (jzaman@cabq.gov) and it my understanding he is aware/investigating these issues also

I also commented to the City Council at their last public meeting that "the wheels are falling off" at the ABQ Personnel Board. Those comments were broadcast live on the City's GOV.TV cable channel and can be seen here: http://cabq.granicus.com/MediaPlayer.php?view_id=2&clip_id=118

Respectfully Submitted,

Mr Charles Arasim

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Charles Arasim
2892 Aspen Leaf Court
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RE: Inspection of Public Records Complaint – City of Albuquerque

Dear Mr. Arasim:

We have completed the review of your complaint dated June 15, 2015 against the City of Albuquerque (“City”) under the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2013). In the complaint, you allege that the Albuquerque Inspector General (“ABQ IG”) “is blocking [your] request for his draft version of his investigation into former Albuquerque PD Chief Ray Shultz and Taser Int.” We have reviewed the email responses from Mr. Peter Pacheco, its attachments, and the IPRA. We have concluded that the City has complied with the IPRA in responding to your request.

By email dated June 9, 2015, you requested from Mr. Pacheco, who is *not* the records custodian, “[a] copy of [ABQ IG] office’s investigation into the contract agreement ... now in the hands of the Accountability Government Oversight Committee in draft form.” Mr. Pacheco sent you a copy of a TASER draft report as well as a TASER final report on June 11, 2015. IPRA requires only that a public body allow inspection or provide copies of public records in existence at the time a request for inspection is received. We conclude that the City properly responded under the IPRA by providing you a draft document along with the final version. Therefore, we find that the City has acted in compliance with the IPRA.

Accordingly, this Office considers this matter closed.

Thank you.

A handwritten signature in black ink, appearing to read "M. Valicenti".

Mona Valicenti

cc. Mr. Pacheco

Laverne Roller

To: Charles Arasim
Cc: danlewis; Garduno, Rey; kensanchez; pmrinc@mac.com; Martinez, Elizabeth (USANM)
Subject: RE: Inspection of Public Records Act violation (ABQ IG)

From: Charles Arasim
Sent: Monday, June 15, 2015 12:58 PM
To: lroller@nmag.gov
Cc: danlewis; Garduno, Rey; kensanchez; pmrinc@mac.com; Martinez, Elizabeth (USANM)
Subject: Inspection of Public Records Act violation (ABQ IG)

Ms. Roller,

The ABQ IG is blocking my request for his draft version of his investigation into former Albuquerque PD Chief Ray Shultz and Taser Int. Everyone knows that the State Auditor, along with the ABQ City Auditor, and the ABQ IG agreed to release all three investigations at the same time.

City Councilor Dan Lewis was very upset at the 6-1-15 City Council meeting as to why the Accountability in Government Oversight Committee was holding up the release of the ABQ IG's investigation.

This is the email conversation (see below) between me and the IG as to my request for that copy of the investigation.

The first attachment is the "final" published version that the IG released a couple of days after my JPRA request and the second attachment watermarked "revised draft" is/as his answer to my questioning.

He has yet to respond to my June 12th email with the correct document.

Respectfully Submitted,
Mr. Charles Arasim

June 9 (6 days ago)